

**AMENDMENT TO THE CLAIMS**

*The following claim listing replaces all prior listings and versions of the claims:*

**LISTING OF CLAIMS**

1-2. (Cancelled)

3. (Currently Amended) ~~The nonaqueous electrolyte secondary battery according to claim 2, A nonaqueous electrolyte secondary battery comprising:~~

a positive electrode having an active material of a complex oxide capable of storing and emitting lithium ions;

a negative electrode capable of storing and emitting lithium ions;

a separator disposed between the positive electrode and the negative electrode; and

an electrolytic solution containing a nonaqueous solvent,

wherein the positive electrode contains a positive electrode active material comprising a first active material of lithium-based complex oxide and a second active material of another lithium-based complex oxide having an average discharge voltage lower than an average discharge voltage of the first active material,

an added amount of the second active material is at least 5% and at most 20% in capacity of a total amount of capacity of the positive electrode active material, and

wherein the first active material is a composite “A” expressed as  $\text{Li}_x\text{MO}_2$ , “M” denoting a 3d transition metal,  $x$  being given as  $0.9 \leq x \leq 0.98$ , and the second active material is  $\text{LiMnO}_2$ .

4. (Previously Presented) The nonaqueous electrolyte secondary battery according to claim 3, wherein the composite “A” contains at least one of materials expressed as

$\text{Li}_x\text{Ni}_y\text{Mn}_z\text{Co}_{1-y-z}\text{O}_2$ , x, y, and z being given as  $0.9 \leq x \leq 0.98$ ,  $0.3 \leq y \leq 0.4$ , and  $0.3 \leq z \leq 0.4$ , and  $\text{Li}_x\text{Ni}_y\text{Co}_z\text{Al}_{1-y-z}\text{O}_2$ , x, y, and z being given as  $0.9 \leq x \leq 0.98$ ,  $0.55 \leq y \leq 0.8$ , and  $0.15 \leq z \leq 0.3$ .